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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,376	12/13/1999	Christian Wettergren	P4718US01	2409

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EXAMINER

ZIA, MOSSADEQ

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/21/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/460,376

Applicant(s)

WETTERGREN, CHRISTIAN

Examiner

Mossadeq Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 1999.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 10, 11, 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Patent No. 5,933,498, Schneck et al.

2. Regarding claim 10, Schneck shows a method for executing a security critical activity having at least one action, the security critical activity being executed by a security device connected to a computer with user involvement, the method comprising the steps of:

defining in a proxy letter a situation in which the proxy letter is allowed to handle a security critical activity (Schneck, col. 19, line 46-47);

starting execution of an action of a security critical activity in a present situation (invoking process, Schneck, col. 19, line 47-49);

determining, for the started action and the present situation and based on the proxy letter, whether (a) the proxy letter is allowed to handle the started action without direct user involvement (Schneck, col. 19, line 17) or (b) direct user involvement is required to handle the started action (user provide rules, Schneck, col. 19, line 64);

when the started action is handled by the proxy letter or by direct user involvement, completing the started action and repeating the starting execution and

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when started action is handled neither by the proxy letter nor by direct user involvement, stopping execution of the security critical activity (abort, Schneck, col. 18, line 38-41).

3. Regarding claim 11, Schneck show claim 10 above, and further show that the defining step includes the step of defining in the proxy letter situations in which the proxy letter is allowed to grant an action (Schneck, col. 20, line 19-21).

4. Regarding claim 14, Schneck claim 10 above, and further show that determining step includes the steps of reading the proxy letter and requesting direct user involvement if the proxy letter is not allowed to handle the started action (Schneck, col. 20, line 3-5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 5,933,498, Schneck et al. in view of Patent No. 5,845,068, Winiger.

7. Regarding claim 12, Schneck show claim 10 above, but fail to further show that the defining step includes the step of defining in the proxy letter situations in which the proxy letter is allowed to prevent an action from being executed.

However, Winiger teaches that service or resource is instantiated in computer memory, a sensitivity label (proxy letter) is associated with the process, service, or resource, and access by other processes running applications which also desire to access

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the resource, but which have a different clearance, is denied (prevent, Winiger, col. 2, line 51-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck as per teaching of Winiger such that to allow its use to simultaneously process a range of sensitive unclassified or classified information for a diverse set of users without violating access privileges (Winiger, col. 1, line 42-45).

8. Regarding claim 13, Schneck and Winiger claim 12 above, and further show comprising the steps of determining whether the proxy letter is allowed to prevent an action from being executed and stopping execution of the action when the action is one the proxy letter is allowed to prevent from being executed (enforce access, Winiger, col. 1, line 34-36).

9. Claim 15 is rejected under **35 U.S.C. 103(a)** as being unpatentable over U.S. Patent No. 5,933,498, Schneck et al. in view of U.S. Patent Application Publication No. 2001/0014839 A1, Belanger et al.

10. Regarding claim 15, Schneck show claim 14 above, but fail to show following the step of requesting direct user involvement, further comprising the steps of waiting a predetermined period of time and, when direct user involvement has not occurred within the predetermined period of time, stopping execution of the security critical activity.

Belanger teaches a time out feature to prevent access if the user has not exited the service or taken any other action for an extended period of time (Belanger, page 4, paragraph 0031).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that one would be motivated to modify Schneck as per teaching of

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Belanger in order to yield a process to prevent unauthorized user access (see Belanger, page 3 paragraph 0027).

11. Claim 16 is rejected under **35 U.S.C. 103(a)** as being unpatentable over U.S. Patent No. 5,933,498, Schneck et al. in view of Patent No. 6009518, Shiakallis.

12. Regarding claim 16, Schneck shows claim 10 above, but fail to show the step of completing the started action comprises the step of logging whether the proxy letter or direct user involvement handled the action.

Shiakallis teaches audits and tracks user activity, DOS directory access, program execution, attempted security violations, and date and time alterations. This also includes a report generator which can be individualized so that reports can be viewed on screen, printed or output to a file. (Shiakallis, col. 4, line 54-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck as per teaching of Shiakallis to gain the benefit of improved security of stored information (Shiakallis, col. 1, line 55-56).

Response to Arguments

13. Applicant's arguments filed on page 7, 1st paragraph and page 8, 1st paragraph have been fully considered but they are not persuasive. This rejections are made for the newly amended claims above. Applicant states that Schneck et al. describe what happens if the proxy letter (rules) is not available, but not making a choice whether the rules themselves will handle the started action or whether direct user intervention is required. This examiner respectfully disagrees. Schneck et al. Show in col. 19, line 18, show is the rules are packaged with the data, which implies that the if the rules are valid, it will support the started action without user interaction (Schneck, col. 20, line 30-34).

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Following this argument, the applicant further states that there is no option to proceed if the rules are not met; there is no option for direct user involvement as an alternative to the rules. This examiner respectfully disagrees. Schneck clearly shows that user provide rules when rules are not found or abort the process (Schneck, col. 19, line 64-65), where the abort action is direct user involvement, thusly the rejections stand.

14. Applicant's arguments filed on page 8, 3rd paragraph have been fully considered but they are not persuasive. The newly formed claims have all been rejected.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mossadeq Zia whose telephone number is 703-305-8425. The examiner can normally be reached on Monday-Friday, 8:30am - 5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mossadeq Zia
Examiner
Art Unit 2134

mz
4/16/04


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SUPERVISORY PATENT EXAMINER
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